

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

ALLSTATE INSURANCE CO.	:	CASE NO. C-1-00 880
		(consolidated with Case No. C-1-00 935)
Plaintiff,	:	JUDGE HERMAN J. WEBER
v.	:	
YUNG K. YU, et al.	:	
Defendants.	:	

HUGH L. MARTIN, et al.	:	CASE NO. C-1-00 935
Plaintiffs,	:	
v.	:	
YUNG K. YU, et al.	:	
Defendants.	:	

**DEFENDANT, WAUSAU BUSINESS INSURANCE COMPANY'S
MOTION TO TERMINATE STAY**

Now comes Defendant, Wausau Business Insurance Company, to move this Court to terminate the stay and to rule upon Wausau's pending motion for summary judgment. The basis for this motion is set forth in the accompanying memorandum.

MEMORANDUM

On November 19, 2003, Wausau filed a second motion for summary judgment, premised upon the Ohio Supreme Court's decision in the *Galatis* case and the *Allen v. Johnson* case. On December 12, 2003, Plaintiffs filed a motion to continue the stay until after the Supreme Court of Ohio had ruled upon motions for reconsideration. The Supreme Court of Ohio has now overruled the motions for reconsideration. A copy of the Court's decision rejecting reconsideration in the *Galatis* case is attached hereto as Exhibit A. For the reasons more fully set forth in Wausau's second motion for summary judgment (filed November 19, 2003), Wausau is entitled to judgment as a matter of law. Wausau thus requests that the Court terminate the stay and rule upon the pending motion for summary judgment.

s/Brian L. Wildermuth

Brian L. Wildermuth (0066303)

LAW OFFICES OF NICHOLAS E. SUBASHI

The Oakwood Building

2305 Far Hills Avenue

Dayton, Ohio 45419

Tel.: (937) 534-0500

Fax: (937) 534-0505

bwildermuth@nesubashi.com

Attorney for Defendant Wausau Business

Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Timothy Paul Heather

tpheather@byhlaw.com

Attorney for Plaintiff Allstate Insurance Company

I hereby certify that I have mailed by U. S. Mail the document to the following non-CM-ECF participants:

Charles H. Rittgers, Esq./James Dearie, Esq.

RITTGERS & RITTGERS

12 East Warren Street

Lebanon, Ohio 45036

Attorneys for Plaintiffs Hugh and Mary Martin

Michael R. Thomas, Esq.

Ohio Academy of Trial Lawyers

5785 Far Hills Avenue

Dayton, Ohio 45429

Attorney for *Amicus Curiae*

s/Brian L. Wildermuth

Brian L. Wildermuth (0066303)

LAW OFFICES OF NICHOLAS E. SUBASHI

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Dayton, Ohio 45419

Tel.: (937) 534-0500

Fax: (937) 534-0505

bwildermuth@nesubashi.com

Attorney for Defendant Wausau Business

Insurance Company